

ORDINANCE No. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL  
OF THE CITY OF GAITHERSBURG GRANTING APPROVAL  
OF ZONING MAP AMENDMENT Z-7496-2017, TO CHANGE THE ZONING OF ONE  
PROPERTY ON 5.46 ACRES FROM THE C-2 (GENERAL COMMERCIAL) ZONE TO  
THE CD (CORRIDOR DEVELOPMENT) ZONE IN ACCORDANCE WITH § 24-196  
(MAP AMENDMENTS) AND § 24-160G.7(a) OF THE CITY CODE. THE PROPERTY  
IS LOCATED AT 200 SKIDMORE BOULEVARD, GAITHERSBURG, MARYLAND

**Z-7496-2017**

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that they find the following facts from the evidence of record in Zoning Map Amendment Application Z-7496-2017:

A. Application 7496-2017, filed January 19, 2017 by MRK Partners, Inc., requests to change the zoning of one property on 5.46 acres from the C-2 (General Commercial) Zone to the CD (Corridor Development) Zone and establish a new concept plan. The subject property (Property) is located at 200 Skidmore Boulevard.

B. The subject property subject to the change of zoning is defined as:

BEING part of the parcel or tract of land as shown on a plat of subdivision entitled "Plat 11, Gateway Commons", recorded among the land records of Montgomery County, Maryland in Plat Book 182 at Plat Number 20275, and being more particularly described as follows:

BEGINNING at a point at the northeasterly corner of said Parcel "D", said point also being on the northerly right-of-way of I-370 as shown on Maryland State Roads Commission Right-of-Way Plat No. 48474, thence binding on said outline and said right-of-way.

- 1) South 40° 48' 48" West, 481.00 feet to a point on the northerly right-of-way of Frederick Road as shown on said state roads plat; thence binding on said outline and said Frederick Road right-of-way.
- 2) North 76°28' 25" West, 87.23 feet; thence
- 3) North 61° 54' 43" West, 90.75 feet, thence
- 4) North 49° 10' 50" West, 240.00 feet; thence leaving said right-of-way and binding on said outline.

- 5) North 40° 49' 41" East, 230.47 feet, thence; leaving said outline and running so as to cross and include a portion of said parcel "D" the following five (5) courses and distances
- 6) North 40° 49' 41" East, 93.12 feet; thence
- 7) 43.68 feet along the arc of a curve deflecting to the left having a radius of 87.33 feet and chord bearing and distance of North 63°30'15" West, 43.23 feet; thence
- 8) North 77°50'10" West, 78.30 feet; thence
- 9) 166.91 feet along the arc of a curve deflection to the right and having radius of 112.67 feet and a chord bearing and distance of North 35°23'15" West, 152.06 feet; thence
- 10) 13.65 feet along the arc of a curve deflecting to the left and having a radius of 29.33 feet and a chord bearing and distance of North 06°16'48" West, 13.52 feet to a point on the southerly right-of-way of Skidmore Boulevard, thence binding on said outline and right-of-way of Skidmore Boulevard
- 11) 98.46 feet along the arc of a curve deflecting to the left and having a radius of 230.00 feet and chord bearing and distance of South 86°51'20" East, 97.71 feet; thence leaving said right-of-way and binding on said outline
- 12) South 49° 10' 18" East, 190.86 feet; thence
- 13) North 40° 49' 41' East, 160.59 feet; thence
- 14) South 49° 10' 48" East, 405.90 feet to the point of beginning.

CONTAINING 238,036 square feet or 5.4646 acres of land.

C. The concept plan, SP-7495-2017, submitted concurrently with the Z-7496-2017 application, proposes to re-use the existing extended-stay hotel as rental apartments that are age-restricted to persons 62 years old and older.

D. A consolidated joint public hearing conducted by the Mayor and City Council and Planning Commission on Z-7496-2017 and SP-7495-2017 was held February 21, 2017. The Applicant gave a brief presentation outlining:

- A summary of the rezoning request and the need for an amendment to the existing annexation agreement to allow the proposed use;
- The nature of changing demographics that is driving the demand for additional senior housing in the area;

- The project's relation and context to the greater surrounding area.
- An acknowledgement that the proposed rezoning and related concept plan will require a height waiver to recognize the height of the existing buildings;
- Details of the re-use envisioned by the Concept Plan, including the nature of the proposed use as rental apartments for active seniors; and
- A commitment to providing at least 15 percent of the units as affordable housing MPDUs.

The City Council and Planning Commission asked several questions regarding the proposed plan, including amenities, accessibility, security, management, parking, trash collection locations, building code applicability, overcrowding, and enforcement of the age restriction. The applicant responded to the questions during the hearing and subsequently submitted separate supplementary statements responding to the questions raised during the joint public hearing and comments received into the Council's record.

E. The Planning Commission's Z-7496-2017 record closed at 5PM Friday March 17, 2017. The Commission made its recommendation for Z-7262-2016 on April 5, 2017, and forwarded their recommendation of approval of the rezoning and the Concept Plan to the Mayor and City Council. The Mayor and City Council's Z-7496-2017 record closed at 5PM Monday April 10, 2017.

F. The City Council, during their consolidated policy discussion meeting on May 1, 2017, carefully reviewed the evidence of record and considered all submitted testimony, documents and correspondence presented, including the Planning Commission's recommendation for approval, and made the following findings with respect to Application Z-7496-2017 as required by § 24-160G.7(a) of the City Code:

*(a) The City Council may approve CD zoning by local map amendment only upon finding that:*

*(1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and*

#### *Section 24-160G.1. - Purpose*

*(a) Encourage a form of development, consistent with the goals and provisions of the respective master plans for the city that will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character and quality of life within an identified transportation corridor in the city.*

1. Application Z-7496-2017 is "consistent with the goals and provisions of the respective master plans," namely the adopted 2001 Frederick Avenue Corridor Land Use Plan, which encourages "owners of properties not comprehensively rezoned . . . to apply for rezoning to the CD Zone in order to meet the goals and objectives of the

Frederick Avenue Corridor Master Plan.”

2. Application Z-7496-2017 proposes to re-use an underperforming hotel as a senior rental apartment complex, enhancing the economic vitality of the Corridor.

3. Application Z-7496-2017 will enhance the visual character and quality of the Corridor through the proposed improvements to the building façades, site, and landscaping.

4. Application Z-7496-2017 currently meets all of the CD Zone standards except the height requirements of § 24-160G.4(a), which limits building height to three stories and 35 feet in the Southern Residential District, in which this property is located. As part of this application, the applicant is separately requesting a height waiver under § 24-160G.5(a)(1) because the existing buildings are 3 stories and 45 feet in height.

*(b) Create a more attractive and cohesive development pattern and to enhance the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.*

1. Application Z-7496-2017 proposes a residential use that is more cohesive with the adjacent residential neighborhoods of Gateway Commons and Walnut Hill.

2. Application Z-7496-2017 is additionally proposing changes to the buildings to create a more attractive and residential appearance than the existing hotel.

*(c) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.*

1. Application Z-7496-2017 will convert a currently underperforming hotel into a housing type for which there is an increasing need, since, according to the U.S. Census Bureau, the population aged 62 and over has more than doubled since 1980, and continues to grow.

*(d) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.*

1. Application Z-7496-2017 proposes changes to the exterior façade that will create a more attractive and residential appearance, which is more compatible with the surrounding residential area.

*(e) Create a streamlined process for zoning and plan approvals.*

1. This purpose of the CD Zone is not applicable to application Z-7496-2017.

- (f) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable corridor plan.

1. Application Z-7496-2017 is a reuse of existing buildings that already provide an appropriate scale of development and a transitional buffer from the more intensive uses along Frederick Avenue and the residential neighborhoods of Gateway Commons and Walnut Hill.

2. The application will address a needed housing option for the growing population of seniors 62 years of age and older.

- (2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and

1. The property that is the subject of application Z-7496-2017 is identified in the adopted 2001 Frederick Avenue Corridor Land Use Plan, and while the Plan includes neither recommendations nor special conditions for this property, the Plan encourages “owners of properties not comprehensively rezoned . . . to apply for rezoning to the CD Zone in order to meet the goals and objectives of the Frederick Avenue Corridor Master Plan.”

2. The adopted Municipal Growth Element states that “The overall vision for future City growth will retain the goal of providing for diversity in demographics, economics, and housing types.”

3. The adopted Process and Overview Element includes as the City Commitment to State Planning Vision 7: “The City will implement programs that improve current housing stock and pursue development and redevelopment opportunities that provide an appropriate mix of housing types in inclusive communities. The City shall provide for the housing needs of all its citizens.”

4. Application Z-7496-2017 proposes to re-use the existing extended-stay hotel as senior rental apartments, which meets five of the Objectives in the City’s adopted FY 2017 Annual Strategic Plan:

- “promote housing stability and inclusiveness;”
- “ensure that the current and future housing stock allows residents to remain in the City as their financial, employment and familial situations change;”
- “provide opportunities to redevelop or improve underutilized properties;”
- “support initiatives that improve the rental housing stock in the City,” and
- “increase the stock of affordable housing units throughout the City.”

- (3) The application and schematic development plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned areas and adjacent areas.

1. Application Z-7496-2017 is compatible and harmonious with the surrounding existing and planned land uses, due to the minor proposed building and site changes that are part of this reuse request and its location adjacent to the single family residential community of Gateway Commons, the City's Summerfield Park, the E-Z Storage self-storage building, and the ramps to Interstate 370.

2. Application Z-7496-2017 is near several public transportation options, including two Ride-On bus routes, 55 and 59, that have stops within walking distance along Frederick Avenue, at South Westland Drive, Oneill Drive, and under the bridge at I-370. Additionally, the Shady Grove Metro station is a five minute drive from the property and can be reached by the Ride-On bus routes.

3. Within one-half linear mile, a ten (10) minute walk, of the site are the City's Casey Community Center, the Walnut Hill Shopping Center, churches, a medical office building, and additional single family homes.

4. The surrounding uses are complementary to a senior housing development and fulfill many of the needs and lifestyle components of the target demographic, all within walking distance.

### Conclusion

Application Z-7496-2017 conforms to the purpose of the CD Zone; recommendations in both the adopted Municipal Growth and Process and Overview Elements; and Objectives defined in the City's FY '17 Annual Strategic Plan. The use proposed in the concept plan is harmonious and consistent with the existing surrounding development and the City's vision for revitalizing the Frederick Avenue Corridor. The adopted 2001 Frederick Avenue Corridor Land Use Plan, while not including specific recommendations or special conditions for this property, identified this property as being within the study limits and encourages "owners of properties not comprehensively rezoned . . . to apply for rezoning to the CD Zone in order to meet the goals and objectives of the Frederick Avenue Corridor Master Plan." Therefore, this property is appropriate for rezoning to CD, Corridor Development.

Based upon the applicant's testimony, exhibits of record, reasoning and findings cited above, application Z-7496-2017 is granted with no conditions.

ADOPTED by the City Council this 1st day of May, 2017.

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Jud Ashman, Mayor and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 1st day of May, 2017. APPROVED by the Mayor of the City of Gaithersburg, this 1st day of May, 2017.

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Jud Ashman, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, on the 1st day of May, 2017, and that the same was approved by the Mayor of the City of Gaithersburg on the 1st day of May, 2017. This Ordinance will become effective on the 22nd day of May, 2017.

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Tony Tomasello, City Manager